

UPDATED 09/07/2005

**UPDATED**

**Oral Argument Calendar**

**SEPTEMBER 2005**

09/07/2005

SEPTEMBER 2005

September 8, 2005 9:00 AM, MOTION PANEL, JUDGE BARBER, PRES., JUDGE BUCKINGHAM; and JUDGE GUIDUGLI, ASSOC

September 13, 2005 1:30 PM, FULL COURT MEETING, POGUE LIBRARY, MURRAY STATE UNIVERSITY.

**PHONE NUMBERS WHERE PANEL MEMBERS CAN BE REACHED WHEN ORAL ARGUMENTS SCHEDULED:**

**FRANKFORT - Contact Sam Givens, 502-573-7920**

**EDMONTON - Mary Shive (Clerk), 270-432-3663**

PANEL: WEST/SOUTHCENTRAL

LOCATION: WRATHER AUDITORIUM, WRATHER WEST KENTUCKY MUSEUM, MURRAY STATE UNIVERSITY, NORTH 16TH STREET AND UNIVERSITY DRIVE, MURRAY, KENTUCKY

DATE: Wednesday, September 14, 2005

9:30 AM PJ: KNOFF COMBS BUCKINGHAM

2004CA002255 JULIE WELCH VS GERALD EDDS, M.D. ET AL.

WELCH APPEALS FROM A SUMMARY JUDGMENT DISMISSING ON STATUTE OF LIMITATIONS GROUNDS HER MEDICAL MALPRACTICE CLAIM. SHE CLAIMS THAT SHE WAS FRAUDULENTLY INDUCED TO UNDERGO A PLASTIC SURGERY PROCEDURE AND ONLY DISCOVERED THE FRAUD WITHIN A YEAR OF HER COMPLAINT.

CIVIL DAVIESS COUNTY HENRY M GRIFFIN III

Appellant Atty:

Appellant Name:

.....  
COX, GROVER S.

.....  
JULIE ANN WELCH

Appellee Atty:

Appellee Name:

.....  
STAINBACK, FRANK

.....  
GERALD G EDDS, M.D.  
GERALD G EDDS, M.D.

10:15 AM PJ: BUCKINGHAM COMBS KNOFF

2004CA000988 TERESA SHOWN VS ROBERT SHOWN

DIVORCE/TEACHER RETIREMENT BENEFITS

CIVIL OHIO COUNTY RONNIE C DORTCH

Appellant Atty:

Appellant Name:

.....  
ENGLEBERT, CANDY Y.

.....  
TERESA GAIL SHOWN

Appellee Atty:

Appellee Name:

.....  
HILL, GREGORY BOYD

.....  
ROBERT TODD SHOWN

PANEL: WEST/SOUTHCENTRAL

LOCATION: WRATHER AUDITORIUM, WRATHER WEST KENTUCKY MUSEUM, MURRAY STATE UNIVERSITY, NORTH 16TH STREET AND UNIVERSITY DRIVE, MURRAY, KENTUCKY

DATE: Wednesday, September 14, 2005

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11:00 AM PJ: BUCKINGHAM COMBS KNOFF  
2005CA000529 DAVID RANCK VS BRIAN GRAY ET AL.

WORKERS COMP.

WORKERS COMP WORKERS' COMP COUNTY KENT T. YOUNG

Appellant Atty:

Appellant Name:

.....  
ALLEN, DAVID B

.....  
DAVID RANCK

Appellee Atty:

Appellee Name:

.....  
BORDERS, R SCOTT  
CHAPPELL, STEPHEN R.

.....  
R SCOTT BORDERS  
NEIL SULIER  
WORKERS' COMPENSATION BOARD  
BRIAN GRAY  
UNINSURED EMPLOYERS' FUND

EMRICK, WILLIAM

GRAY, BRIAN

MYERSCOUGH, ELIZABETH A

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1:30 PM PJ: COMBS BUCKINGHAM KNOFF  
2004CA000584 ANGELA HAMRIC (FORMERLY WETTSTAIN) VS JEFFREY WETTSTAIN

DIVORCE CASE INVOLVING DISPUTE OVER PROPER DATE AS TO DIVISION OF MARITAL ASSETS FOR PURPOSES OF ENTRY OF A QDRO.

CIVIL HANCOCK COUNTY RONNIE C DORTCH

Appellant Atty:

Appellant Name:

.....  
ABSHIER, PHILLIP G.

.....  
ANGELA MARIE HAMRIC (FORMERLY WETTSTAIN)

Appellee Atty:

Appellee Name:

.....  
MADDEN, PAUL L.

.....  
JEFFREY ALLEN WETTSTAIN

PANEL: LOUISVILLE METRO

LOCATION: FREED CURD AUDITORIUM, COLLINS CENTER FOR INDUSTRY AND TECHNOLOGY, MURRAY STATE UNIVERSITY, NORTH 16TH STREET AND

DATE: Wednesday, September 14, 2005

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9:30 AM PJ: MILLER BARBER JOHNSON  
2004CA001965 KROGER LIMITED PARTNERSHIP I VS CABINET FOR HEALTH SERVICES,  
COMMONWEALTH OF KENTUCKY  
ADM. LAW; ISSUE - SUSPENSION FROM WIC PROGRAM FOR VIOLATIONS OF WIC GUIDELINES.

CIVIL JEFFERSON COUNTY MARTIN F MCDONALD

Appellant Atty: Appellant Name:  
.....  
HANDMAKER, KENNETH S. KROGER LIMITED PARTNERSHIP I  
Appellee Atty: Appellee Name:  
.....  
DEEP, JAMES MICHAEL CABINET FOR HEALTH SERVICES, COMMONWEALTH OF KENTUCKY

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10:15 AM PJ: JOHNSON BARBER MILLER  
2004CA001832 DOROTHY MILLER VS JEWISH HOSPITAL HEALTHCARE SERVICES, INC.

WHETHER THE TRIAL COURT ERRED IN MAKING VARIOUS EVIDENTIARY RULINGS DURING A JURY TRIAL IN A NEGLIGENCE AND PREMISE LIABILITY ACTION.

CIVIL JEFFERSON COUNTY MARTIN F MCDONALD

Appellant Atty: Appellant Name:  
.....  
SCHOOK, NANCY J DOROTHY MILLER  
ZIELKE, LAURENCE DOROTHY MILLER  
Appellee Atty: Appellee Name:  
.....  
DANIEL, KIRSTEN RENE JEWISH HOSPITAL HEALTHCARE SERVICES, INC.  
GORDON, SHANNON MILLER JEWISH HOSPITAL HEALTHCARE SERVICES, INC.  
KEITH, KAREN L. JEWISH HOSPITAL HEALTHCARE SERVICES, INC.

\*\*NOTE:PREVIOUSLY 2:15 PM

PANEL: LOUISVILLE METRO

LOCATION: FREED CURD AUDITORIUM, COLLINS CENTER FOR INDUSTRY AND TECHNOLOGY, MURRAY STATE UNIVERSITY, NORTH 16TH STREET AND

DATE: Wednesday, September 14, 2005

11:00 AM  
2004CA001174

PJ: BARBER JOHNSON MILLER  
MOTORISTS MUTUAL INSURANCE CO. VS CORLISS HOWARD ET AL.

INSURANCE DISPUTE REQUEST TO REVERSE AWARD OF PUNITIVE DAMAGES.

CIVIL SHELBY COUNTY WILLIAM F STEWART

Appellant Atty:

Appellant Name:

.....  
CARTER, GEORGE R.

.....  
MOTORISTS MUTUAL INSURANCE CO.

Appellee Atty:

Appellee Name:

.....  
CARL, SAMUEL B.  
CASSIDY JR., J. PETER  
PAGE, TODD S.  
RICHARDSON, J L

.....  
CORLISS R. HOWARD  
DOCTROW-RICH INSURANCE AGENCY, INC  
DOCTROW-RICH INSURANCE AGENCY, INC  
CORLISS R. HOWARD

PANEL: LOUISVILLE METRO

LOCATION: FREED CURD AUDITORIUM, COLLINS CENTER FOR INDUSTRY AND TECHNOLOGY, MURRAY STATE UNIVERSITY, NORTH 16TH STREET AND

DATE: Wednesday, September 14, 2005

1:30 PM

PJ: JOHNSON

BARBER

MILLER

2004CA001345

CAMILLE DEAN ET AL. VS JOHN BONDURANT ET AL.

WHETHER THE TRIAL COURT ERRED BY GRANTING SUMMARY JUDGMENT ON A CLAIM FOR LEGAL NEGLIGENCE.

CIVIL

JEFFERSON COUNTY

JUDITH E MCDONALD-BUR

Appellant Atty:

Appellant Name:

.....  
BENNETT Jr, SANDRA L

.....  
DAVID H. DEAN Jr  
DAVID H. DEAN Jr  
DAVID H. DEAN Jr

BENNETT Sr, SANDRA L  
BENNETT, SANDRA L

ROBERT J. BURNS Sr  
CAMILLE E. DEAN  
CAMILLE E. DEAN  
CAMILLE E. DEAN

ERVIN Jr, PETER F

DAVID H. DEAN Jr  
DAVID H. DEAN Jr  
DAVID H. DEAN Jr

ERVIN Sr, PETER F  
ERVIN, PETER F

ROBERT J. BURNS Sr  
CAMILLE E. DEAN  
CAMILLE E. DEAN  
CAMILLE E. DEAN

Appellee Atty:

Appellee Name:

.....  
MILLIMAN, JAMES E

.....  
BROWN, TODD & HEYBURN, PLLC  
FROST, BROWN, TODD, LLC  
FROST, BROWN, TODD, LLC  
JOHN T. BONDURANT  
WINSTON E. MILLER

PANEL: EAST/SOUTHEAST

LOCATION: METCALFE COUNTY COURTHOUSE, CIRCUIT COURTROOM, 201 E. STOCKTON ST., EDMONTON, KENTUCKY

DATE: Wednesday, September 21, 2005

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9:30 AM PJ: SCHRODER EMBERTON MINTON  
2004CA001074 BRANDEE TOCHE VS THE AMERICAN WATERCRAFT ASSOCIATION ET AL.  
PERSONAL INJURY DISMISSED BASED ON THE STATUTE OF LIMITATIONS (BOATING ACCIDENT).

CIVIL RUSSELL COUNTY VERNON MINIARD JR

Appellant Atty:	Appellant Name:
.....	.....
AMLUNG, JONATHON N	BRANDEE TOCHE
Appellee Atty:	Appellee Name:
.....	.....
BEAUMAN, BRYAN H.	POLARIS INDUSTRIES, INC
BYROM, DONALD H.	THE FRIENDS OF LAKE CUMBERLAND, INC
CARROLL, WAYNE J.	THE AMERICAN WATERCRAFT ASSOCIATION
DESIMONE, ANDREW DAIL	POLARIS INDUSTRIES, INC
LOKOVICH, DON	DON LOKOVICH
MOLONEY II, DONALD P.	POLARIS INDUSTRIES, INC
O'DONNELL, HARRY BERNARD	DANA DAVIS
	DAVIS OUTDOOR SPORTS, INC
PETERSON, JENNIFER ANN	THE FRIENDS OF LAKE CUMBERLAND, INC
PRICE, LISA	LISA PRICE
REILLY, MICHAEL P	THE AMERICAN WATERCRAFT ASSOCIATION
WESTBERRY, ROBERT KENT	THE FRIENDS OF LAKE CUMBERLAND, INC

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10:15 AM PJ: SCHRODER EMBERTON MINTON  
2004CA001300 LARRY GODBY VS COMMONWEALTH OF KENTUCKY  
POLICE CHIEF FOUND GUILTY OF OFFICIAL MISCONDUCT AND INTIMIDATION OF A WITNESS.

CRIMINAL PULASKI COUNTY PAUL E. BRADEN

Appellant Atty:	Appellant Name:
.....	.....
COX, JERRY J.	LARRY GODBY
CRABTREE, WILLIAM GARY	LARRY GODBY
Appellee Atty:	Appellee Name:
.....	.....
KRYGIEL, MATTHEW ROBERT	COMMONWEALTH OF KENTUCKY
STUMBO, GREGORY D.	COMMONWEALTH OF KENTUCKY

PANEL: EAST/SOUTHEAST

LOCATION: METCALFE COUNTY COURTHOUSE, CIRCUIT COURTROOM, 201 E. STOCKTON ST., EDMONTON, KENTUCKY

DATE: Wednesday, September 21, 2005

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11:00 AM

PJ: EMBERTON

MINTON

SCHRODER

2004CA001475

CLARA VANOVER VS SAMUEL VANOVER ET AL.

TRANSFER OF MARTIAL FUNDS PRIOR TO DEATH OF HUSBAND; CERTIFICATES OF DEPOSIT HELD JOINTLY;  
FRAUD UPON SURVIVING SPOUSE'S DOWER INTEREST.

CIVIL

PULASKI COUNTY

JEFFREY T BURDETTE

Appellant Atty:

Appellant Name:

.....  
ORWIN, D. BRUCE

.....  
CLARA VANOVER

Appellee Atty:

Appellee Name:

.....  
VENTERS, DANIEL

.....  
NORMA VANOVER  
SAMUEL VANOVER

PANEL: NORTH/CENTRAL

LOCATION: COURT OF APPEALS COURTROOM, 360 DEMOCRAT DRIVE, FRANKFORT,  
KENTUCKY

DATE: Wednesday, September 07, 2005

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11:00 AM PJ: HUDDLESTON GUIDUGLI TAYLOR  
2004CA001201 WILLIAM ROBERTS VS FAYETTE COUNTY BOARD OF EDUCATION  
FAILURE OF BD. OF EDUCATION TO REEMPLOY ALLEGEDLY QUALIFIED SPECIAL EDUCATION TEACHER

CIVIL FAYETTE COUNTY PAMELA R GOODWINE

Appellant Atty:

Appellant Name:

.....  
BOWELL, BETH ANNA  
WALTHER, JEFFREY S.

.....  
WILLIAM ROBERTS  
WILLIAM ROBERTS

Appellee Atty:

Appellee Name:

.....  
CHENOWETH, ROBERT L.

.....  
FAYETTE COUNTY BOARD OF EDUCATION

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1:00 PM PJ: HUDDLESTON GUIDUGLI TAYLOR  
2004CA001812 GRIFFIN INDUSTRIES INC. VS REVENUE CABINET ET AL.  
SALES TAX EXEMPTION FOR RECYCLING MACHINERY, EQUIPMENT AND REPAIR PARTS

CIVIL CAMPBELL COUNTY

Appellant Atty:

Appellant Name:

.....  
CLARK, BRUCE F.  
HORN, ERICA L.

.....  
GRIFFIN INDUSTRIES INC.  
GRIFFIN INDUSTRIES INC.

Appellee Atty:

Appellee Name:

.....  
DICKERSON, STEPHEN G  
FORGY, JOHN

.....  
REVENUE CABINET  
KENTUCKY BOARD OF TAX APPEALS

PANEL: NORTH/CENTRAL

LOCATION: COURT OF APPEALS COURTROOM, 360 DEMOCRAT DRIVE, FRANKFORT,  
KENTUCKY

DATE: Wednesday, September 07, 2005

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1:45 PM PJ: TAYLOR GUIDUGLI HUDDLESTON  
2004CA001185 LINDA CUMMINGS VS JOHN PITMAN ET AL.

WHETHER CIRCUIT COURT PROPERLY DETERMINED IT LACKED PERSONAL JURISDICTION OVER APPELLEE, IN HIS CAPACITY AS TRUSTEE.

CIVIL BOYLE COUNTY DARREN W. PECKLER

Appellant Atty:

Appellant Name:

.....  
CURRY, CHARLES W

.....  
LINDA KERN CUMMINGS

Appellee Atty:

Appellee Name:

.....  
HELTON, EPHRAIM WOODS

.....  
STEVEN KERN SHAW

HEMBREE, CHARLES R

JOHN BROOKS PITMAN

NESBITT, KEVIN L

THE GUIDE DOG FOUNDATION FOR THE BLIND, INC.

WARD, ASHLEY W.

R ANDREW BOOSE

R ANDREW BOOSE

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2:30 PM PJ: TAYLOR GUIDUGLI HUDDLESTON  
2004CA000937 DAVID HARROD VS BUTLER & ASSOCIATES, P.S.C.

2004CA000990 2004CA000937-WHETHER CIRCUIT COURT PROPERLY REFORMED EMPLOYMENT CONTRACT BASED UPON MUTUAL MISTAKE AND/OR FRAUD; WHETHER CIRCUIT COURT'S AWARD OF MONETARY DAMAGES WERE CLEARLY ERRONEOUS; 2004CA000990-WHETHER CIRCUIT COURT PROPERLY DENIED PREJUDGMENT INTEREST.

CIVIL FRANKLIN COUNTY ROBERT OVERSTREET

Appellant Atty:

Appellant Name:

.....  
TRUE, J. GUTHRIE

.....  
DAVID R. HARROD

Appellee Atty:

Appellee Name:

.....  
POLLY, RONALD G.

.....  
BUTLER & ASSOCIATES, P.S.C.

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3:15 PM PJ: TAYLOR GUIDUGLI HUDDLESTON  
2003CA002632 MABEL SMITH VS DOLLAR GENERAL STORES

WHETHER CIRCUIT COURT PROPERLY DISMISSED APPELLANT'S ACTION AS BARRED BY STATUTE OF LIMITATIONS.

CIVIL CASEY COUNTY JAMES G. WEDDLE

Appellant Atty:

Appellant Name:

.....  
AMLUNG, JONATHON N

.....  
MABEL ROSE SMITH

Appellee Atty:

Appellee Name:

.....  
WEAVER, KEVIN W

.....  
DOLLAR GENERAL STORES

PANEL: RESCHEDULED AND MISC. CASES

LOCATION: WRATHER AUDITORIUM, WRATHER WEST KENTUCKY MUSUEM, MURRAY STATE UNIVERSITY, NORTH 16TH STREET AND UNIVERSITY DRIVE, MURRAY KENTUCKY

DATE: Wednesday, September 14, 2005

8:45 AM

PJ: TAYLOR

KNOPF

VANMETER

2004CA001516

BASIL POLLITT ET AL. VS PUBLIC SERVICE COMMISSION,  
COMMONWEALTH OF KENTUCKY,

WHETHER THE GAS GROUP IS A "UTILITY" UNDER KRS 278.040(2); WHETHER FINES OF \$25,750.00 ARE EXCESSIVE UNDER KRS 278.992?

CIVIL

FRANKLIN COUNTY

ROGER L. CRITTENDEN

Appellant Atty:

Appellant Name:

.....  
HOSKINS, WILLIAM KIRK

.....  
BASIL C. POLLITT  
THE GAS GROUP, INC.

Appellee Atty:

Appellee Name:

.....  
WRIGHT, DALE

.....  
PUBLIC SERVICE COMMISSION, COMMONWEALTH OF KENTUCKY,